

**CITY COUNCIL MEETING
CITY OF WATERTOWN**

August 1, 2011

7:00 P.M.

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCIL MEMBER ROXANNE M. BURNS
COUNCIL MEMBER JOSEPH M. BUTLER JR.
COUNCIL MEMBER TERESA R. MACALUSO
COUNCIL MEMBER JEFFREY M. SMITH
MAYOR GRAHAM**

ALSO PRESENT: **MARY M. CORRIVEAU, CITY MANAGER
CITY ATTORNEY ROBERT J. SLYE**

City staff present: Jim Mills, Elliott Nelson, Doug Osborn, Ken Mix, Kurt Hauk

The City Manager presented the following reports to Council:

- 1 - Reappointment to the Empire Zone Administrative Board – James Fitzpatrick
- 2- Reappointment to the Empire Zone Administrative Board – Peter Sovie
- 3 - Readopting Fiscal Year 2011-12 General, Water and Sewer Fund Budget
- 4 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 12-04-119.000 Known as 626 Academy Street To ICA Renovations 3, LLC
- 5 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 09-14-107.000 Known as 148 Duffy Street To ICA Renovations 3, LLC
- 6 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 03-03-423.000 Known as 525 Mundy Street To ICA Renovations 3, LLC
- 7 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 01-16-209.000 Known as 514 Frontenac Street To ICA Renovations 3, LLC
- 8 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 01-20-212.000 Known as VL Superior Street To ICA Renovations 3, LLC
- 9 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 01-20-213.000 Known as 1005 Superior Street To ICA Renovations 3, LLC
- 10 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 04-26-209.000 Known as 911 Water Street To ICA Renovations 3, LLC
- 11 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 11-05-103.000 205 Winslow Street To ICA Renovations 3, LLC
- 12 - Authorizing Assignment of City-owned Tax Sale Certificate on Parcel Number 05-01-315.000 Known as 131 Michigan Avenue To ICA Renovations 3, LLC
- 13 - Authorizing Acceptance of Assignment of Tax Sale Certificate on Parcel Number 12-05-208.000 Known as 1 Boyd Place From ICA Renovations 3, LLC
- 14 - Finding That the Approval of the Zoning Designation for a 2.485 Acre Portion of Parcel No. 13-23-102.1 as Commercial Will Not Have a Significant Impact on the Environment

- 15 - Designating the Zoning Classification of the Recently Annexed Portion of Parcel No. 13-23-102.1, Located in the 1500 Block of Washington Street, as Commercial
- 16 - An Ordinance Amending the Ordinance Dated June 18, 2007, as Amended October 4, 2010, Authorizing the Issuance of \$2,595,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of Improvements to the J.B. Wise Parking Lot, Including the Replacement of Water Mains and Sanitary Sewers and the Construction of a Storm Water Drainage System, to Increase the Estimated Maximum Cost Thereof to \$2,695,000 and to Amend the Plan for the Financing Thereof to Provide for the Use of \$100,000 Current Funds of the City
- 17 - Resolution Approving Lease Agreement Between the City of Watertown and the Greater Watertown Red and Black, Inc.
- 18 - Letter From Robert Reczko
- 19 - Audio Arsenal
- 20 - Use of Whitewater Park Deck by Maggie's On the River
- 21 - Private Water Laterals, Merline Avenue
- 22 - Notice of Public Hearing, Thousand Islands Hospitality, LLC
- 23 - Review of Alcohol Licensing at City Facilities

COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of July 18, 2011 was dispensed and accepted as written by motion of Council Member Smith, seconded by Council Member Macaluso and carried with all voting in favor thereof.

COMMUNICATIONS

No communications were received.

PRIVILEGE OF THE FLOOR

Al Thompson, 323 Flower Ave. East, addressed Council regarding a water line which almost ruptured between Cadwell and Hamlin Streets and noted this has been a problem several times within the last 10 years. He suggested the City take a serious look at this issue.

Mrs. Corriveau said she would have a report prepared for Council.

Robert Reczko, 801 Coffeen Street, addressed Council requesting to run the concession stand at the Fairgrounds Ice Arena and for outdoor events.

Mayor Graham noted that there are still a lot of issues up in the air with the Recreation Department and suggested looking at outdoor events. He recommended contacting Mr. VanBrocklin or the City Manager's office for further direction.

Jamie Deloria, 329 Winslow Street, addressed Council hoping to clarify her request for front yard parking during the winter by saying that she is asking for leniency on the matter.

RESOLUTIONS

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

RESOLVED that the following individual is reappointed to the Empire Zone Administrative Board for a three-year term, such term expiring on May 31, 2014:

James Fitzpatrick
837 Holcomb Street
Watertown, NY 13601

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

RESOLVED that the following individual is reappointed to the Empire Zone Administrative Board for a three-year term, such term expiring on May 31, 2014:

Peter Sovie
19250 Woodside Drive
Watertown, NY 13601

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS on June 1, 2011 the City Council passed a resolution adopting the Budget for Fiscal Year 2011-12, of which \$38,023,157 was appropriated for the General Fund, \$4,858,983 was appropriated for the Water Fund and \$5,040,061 was appropriated for the Sewer Fund, and

WHEREAS on July 5, 2011 the City Council re-adopted the General Fund Budget to increase appropriations by \$25,240 to pay the costs of the Symphony Syracuse concert to a total of \$38,048,397, and

WHEREAS on July 18, 2011 the City Council was presented with a change order to the contract with Bat-Con to reconstruct the J. B. Wise parking lot in the amount of \$96,235 of which \$45,150 was applicable to the General Fund, \$14,495 to the Water Fund and \$36,590 to the Sewer Fund, and

WHEREAS the change order was subject to City Council's approval of an amended bond ordinance to fund the change order, and

WHEREAS the City Council did not adopt an amended bond ordinance as the City Council desired to have the change order funded through transfers from the operating funds, and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby re-adopts the Fiscal Year 2011-12 Budgets for the General Fund in the total amount of \$38,093,547, the Water Fund in the total amount of \$4,873,478 and the Sewer Fund in the total amount of \$5,076,651 and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that the following adjustments be included in the re-adopted Fiscal Year 2011-12 General, Water and Sewer Fund Budgets.

GENERAL FUND	Revenues	
	Appropriated Fund Balance	\$ 45,150
	Total	<u>\$ 45,150</u>
	Expenditures	
	A 9950.0900 Transfer to Capital Fund	\$ 45,150
	Total	<u>\$ 45,150</u>
WATER FUND	Revenues	
	Appropriated Fund Balance	\$ 14,495
	Total	<u>\$ 14,495</u>
	Expenditures	
	F 9950.0900 Transfer to Capital Fund	\$ 14,495
	Total	<u>\$ 14,495</u>
SEWER FUND	Revenues	
	Appropriated Fund Balance	\$ 36,590
	Total	<u>\$ 36,590</u>
	Expenditures	
	G 9950.0900 Transfer to Capital Fund	\$ 36,590
	Total	<u>\$ 36,590</u>

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS the City of Watertown is the owner of a certain tax sale certificate on a lot of land known as 626 Academy Street as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 12-04-119.000, and

WHEREAS ICA Renovations 3, LLC has requested the assignment of the tax sale certificate from the City for the amount of the tax sale certificate plus the 2011-12 City tax plus applicable interest per City Charter Section 140,

NOW THEREFORE BE IT RESOLVED that the offer of \$2,354.70 submitted by ICA Renovations 3, LLC for the purchase of the tax sale certificate for Parcel No. 12-04-119.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the City Comptroller is directed to assign the City's tax sale certificate for the above parcel to ICA Renovations 3, LLC upon the Comptroller's receipt of certified funds in the amount of \$2,354.70.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS the City of Watertown is the owner of a certain tax sale certificate on a lot of land known as 148 Duffy Street as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 09-14-107.000, and

WHEREAS ICA Renovations 3, LLC has requested the assignment of the tax sale certificate from the City for the amount of the tax sale certificate plus the 2011-12 City tax plus applicable interest per City Charter Section 140,

NOW THEREFORE BE IT RESOLVED that the offer of \$2,885.14 submitted by ICA Renovations 3, LLC for the purchase of the tax sale certificate for Parcel No. 09-14-107.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the City Comptroller is directed to assign the City's tax sale certificate for the above parcel to ICA Renovations 3, LLC upon the Comptroller's receipt of certified funds in the amount of \$2,885.14.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS the City of Watertown is the owner of a certain tax sale certificate on a lot of land known as 525 Mundy Street as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 03-03-423.000, and

WHEREAS ICA Renovations 3, LLC has requested the assignment of the tax sale certificate from the City for the amount of the tax sale certificate plus the 2011-12 City tax plus applicable interest per City Charter Section 140,

NOW THEREFORE BE IT RESOLVED that the offer of \$1,342.84 submitted by ICA Renovations 3, LLC for the purchase of the tax sale certificate for Parcel No. 03-03-423.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the City Comptroller is directed to assign the City's tax sale certificate for the above parcel to ICA Renovations 3, LLC upon the Comptroller's receipt of certified funds in the amount of \$1,342.84.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS the City of Watertown is the owner of a certain tax sale certificate on a lot of land known as 514 Frontenac Street as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 01-16-209.000, and

WHEREAS ICA Renovations 3, LLC has requested the assignment of the tax sale certificate from the City for the amount of the tax sale certificate plus the 2011-12 City tax plus applicable interest per City Charter Section 140,

NOW THEREFORE BE IT RESOLVED that the offer of \$1,632.72 submitted by ICA Renovations 3, LLC for the purchase of the tax sale certificate for Parcel No. 01-16-209.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the City Comptroller is directed to assign the City's tax sale certificate for the above parcel to ICA Renovations 3, LLC upon the Comptroller's receipt of certified funds in the amount of \$1,632.72.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS the City of Watertown is the owner of a certain tax sale certificate on a lot of land known as VL Superior Street as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 01-20-212.000, and

WHEREAS ICA Renovations 3, LLC has requested the assignment of the tax sale certificate from the City for the amount of the tax sale certificate plus the 2011-12 City tax plus applicable interest per City Charter Section 140,

NOW THEREFORE BE IT RESOLVED that the offer of \$251.45 submitted by ICA Renovations 3, LLC for the purchase of the tax sale certificate for Parcel No. 01-01-212.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the City Comptroller is directed to assign the City's tax sale certificate for the above parcel to ICA Renovations 3, LLC upon the Comptroller's receipt of certified funds in the amount of \$251.45.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA.

INTRODUCED BY COUNCIL MEMBER TERESA R. MACALUSO

WHEREAS the City of Watertown is the owner of a certain tax sale certificate on a lot of land known as 1005 Superior Street as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 01-20-213.000, and

WHEREAS ICA Renovations 3, LLC has requested the assignment of the tax sale certificate from the City for the amount of the tax sale certificate plus the 2011-12 City tax plus applicable interest per City Charter Section 140,

NOW THEREFORE BE IT RESOLVED that the offer of \$1,398.89 submitted by ICA Renovations 3, LLC for the purchase of the tax sale certificate for Parcel No. 01-01-213.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the City Comptroller is directed to assign the City's tax sale certificate for the above parcel to ICA Renovations 3, LLC upon the Comptroller's receipt of certified funds in the amount of \$1,398.89.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS the City of Watertown is the owner of a certain tax sale certificate on a lot of land known as 911 Water Street as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 04-26-209.000, and

WHEREAS ICA Renovations 3, LLC has requested the assignment of the tax sale certificate from the City for the amount of the tax sale certificate plus the 2011-12 City tax plus applicable interest per City Charter Section 140,

NOW THEREFORE BE IT RESOLVED that the offer of \$801.58 submitted by ICA Renovations 3, LLC for the purchase of the tax sale certificate for Parcel No. 04-26-209.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the City Comptroller is directed to assign the City's tax sale certificate for the above parcel to ICA Renovations 3, LLC upon the Comptroller's receipt of certified funds in the amount of \$801.58.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEAS.

INTRODUCED BY COUNCIL MEMBER TERESA R. MACALUSO

WHEREAS the City of Watertown is the owner of a certain tax sale certificate on a lot of land known as 205 Winslow Street as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 11-05-103.000, and

WHEREAS ICA Renovations 3, LLC has requested the assignment of the tax sale certificate from the City for the amount of the tax sale certificate plus the 2011-12 City tax plus applicable interest per City Charter Section 140,

NOW THEREFORE BE IT RESOLVED that the offer of \$3,448.30 submitted by ICA Renovations 3, LLC for the purchase of the tax sale certificate for Parcel No. 11-05-103.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the City Comptroller is directed to assign the City's tax sale certificate for the above parcel to ICA Renovations 3, LLC upon the Comptroller's receipt of certified funds in the amount of \$3,448.30.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEAS.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS the City of Watertown is the owner of a certain tax sale certificate on a lot of land known as 131 Michigan Avenue as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 05-01-315.000, and

WHEREAS ICA Renovations 3, LLC has requested the assignment of the tax sale certificate from the City for the amount of the tax sale certificate plus the 2011-12 City tax plus applicable interest per City Charter Section 140,

NOW THEREFORE BE IT RESOLVED that the offer of \$2,682.96 submitted by ICA Renovations 3, LLC for the purchase of the tax sale certificate for Parcel No. 05-01-315.000, is a fair and reasonable offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the City Comptroller is directed to assign the City's tax sale certificate for the above parcel to ICA Renovations 3, LLC upon the Comptroller's receipt of certified funds in the amount of \$2,682.96.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS ICA Renovations 3, LLC is the owner of a certain tax sale certificate on a lot of land known as 1 Boyd Place as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 12-05-208.000, and

WHEREAS the tax sale certificate was not redeemed within the two year redemption period per City Charter Section 140, and

WHEREAS ICA Renovations 3, LLC does not wish to accept a tax deed to the parcel, and

WHEREAS ICA Renovations 3, LLC has agreed to assign its tax sale certificate to the City at zero cost to allow the City to take title to the property and address building code issues,

NOW THEREFORE BE IT RESOLVED that the City of Watertown accept the assignment of the tax sale certificate from ICA Renovations 3, LLC for 1 Boyd Place as designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 12-05-208.000.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

WHEREAS the City Council of the City of Watertown has before it an Ordinance to designate the zoning classification of the 2.485 acre unzoned portion of Parcel No. 13-23-102.1, located in the 1500 block of Washington Street, as Commercial, and

WHEREAS the City Council must evaluate all proposed actions in light of the State Environmental Quality Review Act (SEQRA), and the regulations promulgated pursuant thereto, and

WHEREAS the adoption of the proposed Ordinance would constitute such an "action," and

WHEREAS the City Council has determined that the proposed Ordinance is an "Unlisted Action" as that term is defined in 6NYCRR Section 617.2 (ak), and

WHEREAS to aid the City Council in its determination as to whether the proposed zone change will have a significant effect on the environment, Part I of a Short Environment Assessment Form has been prepared, a copy of which is attached and made part of this resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that:

- Based upon its examination of the Short Environmental Assessment Form and comparison of the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact on the environment is known and adoption of the zoning designation will not have a significant effect on the environment.
- The Mayor of the City of Watertown is authorized to execute the Environmental Assessment Form to the effect that the City Council is issuing a Negative Declaration under SEQRA.
- This resolution shall take effect immediately.

SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA, EXCEPT COUNCIL MEMBER BUTLER VOTING NAY.

Prior to the vote on the resolution, Council Member Butler expressed concern over section C3 of the SEQRA form and questioned who is responsible for the parcel in question.

Mrs. Corriveau noted there are no wetlands in this particular parcel.

Mr. Mix commented that the two issues are related and referred to a map of the area in question. He added that this parcel was annexed into the City and said there is no water flowing in this section.

Council Member Butler said that the boundaries are close to one another which could pose a problem in the future if they were to be developed.

Mrs. Corriveau reminded Council that the hospital has been given authorization to purchase the piece of property that the City currently owns.

Council Member Macaluso asked if the parcel can be designated as commercial.

Mayor Graham noted that site plan issues have to be complied with and that since it is located in the City, it has to have a zoning classification.

Council Member Burns clarified that Council is just looking at whether the classification will have a negative impact on the environment.

Attorney Slye stated that involving site plan approval will not occur unless the parcel is zoned commercial.

Council Member Butler questioned if there is harm in leaving it unzoned.

Attorney Slye replied that before the hospital buys it, they want to know its zoning classification.

Council Member Butler said that at the very least, section C3 has some affect.

ORDINANCES

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

BE IT ORDAINED where Patrick J. Scordo of GYMO, P.C., has made application by petition filed with the City Clerk, on behalf of Samaritan Medical Center, pursuant to Section 83 of the New York General City Law to change the approved zoning classification of a 13.618 acre portion of Parcel Number 13-23-101 from Residence A to Commercial, and a 2.485 acre unzoned portion of Parcel Number 13-23-102.1 to Commercial, and

WHEREAS the applicant has requested that the portion of Parcel Number 13-23-101 be withdrawn from the petition, and

WHEREAS the Jefferson County Planning Board reviewed the original zone change proposal at its meeting held on March 29, 2011 pursuant to General Municipal Law Section 239-m and adopted a motion that the proposed zoning map amendment is a matter of local concern, and

WHEREAS the Planning Board of the City of Watertown considered the original zone change application at its meeting held on May 3, 2011 and adopted a motion recommending that the City Council approve the zone change, and

WHEREAS a public hearing was held on the original proposal on June 6, 2011 after due public notice, and

WHEREAS the City Council has made a Declaration of Negative Findings of the impacts of the revised zoning designation proposal according to the requirements SEQRA,

WHEREAS the City Council deems it in the best interest of the citizens of the City of Watertown to designate the zoning classification of the unzoned portion of Parcel Number 13-23-102.1 as Commercial, and

NOW THEREFORE BE IT ORDAINED that the zoning classification of the unzoned 2.485 acre portion of Parcel No. 13-23-102.1, located in the 1500 block of Washington Street, shall be Commercial, and

BE IT FURTHER ORDAINED that the zoning map of the City of Watertown shall be amended to reflect the zoning designation, and

BE IT FURTHER ORDAINED this amendment to the Zoning Ordinance of the City of Watertown shall take effect as soon as it is published once in the official newspaper of the City of Watertown or printed as the City Manager directs.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO

MOTION FOR UNANIMOUS CONSENT WAS MADE BY COUNCIL MEMBER SMITH, SECONDED BY COUNCIL MEMBER MACALUSO AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

AT THE CALL OF THE CHAIR, VOTE WAS TAKEN ON THE FOREGOING ORDINANCE WITH ALL VOTING IN FAVOR THEREOF, EXCEPT COUNCIL MEMBER BUTLER VOTING NAY.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS, by ordinance dated June 18, 2007, the Council of the City of Watertown, Jefferson County, New York, authorized the issuance of \$1,020,000 bonds of said City to pay the cost of the (a) improvements to the J.B. Wise Parking Lot, at an estimated maximum cost of \$620,000, a specific object or purpose, and (b) the replacement of water mains and sanitary sewers and the construction of a storm water drainage system in connection with the making of improvements to the J.B. Wise Parking Lot, a specific object or purpose, at an estimated maximum cost of \$400,000, in and for the City of Watertown, Jefferson County, New York, including, in each instance, incidental expenses in connection therewith, at an estimated maximum cost of \$1,020,000; and

WHEREAS, by ordinance dated October 4, 2010, the Council amended the aforesaid June 18, 2007 ordinance to increase the authorization for improvements to the J.B. Wise Parking Lot from \$1,020,000 to \$2,150,000 and to increase the authorization for the related water and sewer improvements from \$400,000 to \$445,000, for a total estimated maximum cost and bond ordinances of \$2,595,000; and

WHEREAS, the Council now wishes to increase the estimated maximum cost of the aforesaid specific object or purpose from \$2,595,000 to \$2,695,000, an increase of \$100,000 over that previously authorized, and to provide for the use of \$100,000 current funds therefor; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section A. The title and Sections 1 and 2 of the ordinance of this Council dated and duly adopted June 18, 2007, as amended October 4, 2010, authorizing the issuance of \$2,595,000 bonds to pay the cost of the (a) improvements to the J.B. Wise Parking Lot, at an estimated maximum cost of \$2,150,000, a specific object or purpose, and (b) the replacement of water mains and sanitary sewers and the construction of a storm water drainage system in connection with the making of improvements to the J.B. Wise Parking Lot, a specific object or purpose, at an estimated maximum cost of \$445,000, in and for the City of Watertown, Jefferson County, New York, including, in each instance, incidental expenses in connection therewith, is hereby amended, in part, to read as follows:

“AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$2,595,000 BONDS OF THE CITY OF WATERTOWN, JEFFERSON COUNTY, NEW YORK, TO PAY PART OF THE \$2,695,000 ESTIMATED MAXIMUM COST OF IMPROVEMENTS TO THE J.B. WISE PARKING LOT, INCLUDING THE REPLACEMENT OF WATER MAINS AND SANITARY SEWERS AND THE CONSTRUCTION OF A STORM WATER DRAINAGE SYSTEM, IN AND FOR SAID CITY.

“

“Section 1. To pay (a) the cost of improvements to the J.B. Wise Parking Lot, at an estimated maximum cost of \$2,150,000, a specific object or purpose, and (b) \$445,000 of the \$545,000 estimated maximum cost of the replacement of water mains and sanitary sewers and the construction of a storm water drainage system in connection with the making of improvements to the J.B. Wise Parking Lot, a specific object or purpose, in and for the City of Watertown, Jefferson County, New York, and incidental expenses in connection therewith, a specific object or purpose, there are hereby authorized to be issued \$2,595,000 bonds of said City pursuant to the provisions of the Local Finance Law.

“Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific objects or purposes is \$2,695,000 and that the plan for the financing thereof is by the issuance of the \$2,595,000 bonds of said City authorized to be issued pursuant to this bond ordinance, apportioned as indicated above, and by the appropriation of \$100,000 current funds of the City for the aforesaid specific object or purposes described in clause (b) of Section 1, above, provided, however, that the amount of bonds ultimately to be issued will be reduced by the amount of any State and, or Federal aid or any other revenue received by the City from other sources for such specific object or purpose, which monies are hereby appropriated therefor.”

Section B. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section C. Upon this ordinance taking effect, the same shall be published in summary in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section D. This resolution is effective immediately.

SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO

MOTION FOR UNANIMOUS CONSENT WAS MADE BY COUNCIL MEMBER BUTLER, SECONDED BY COUNCIL MEMBER MACALUSO AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Mayor Graham reviewed the figures for the project with Council.

Council Member Butler inquired when Bat-Con is paid.

Mrs. Corriveau replied that they are not paid until this ordinance is approved.

AT THE CALL OF THE CHAIR, VOTE WAS TAKEN ON THE FOREGOING ORDINANCE WITH ALL VOTING YEA, EXCEPT COUNCIL MEMBER SMITH VOTING NAY.

MOTION WAS MADE BY COUNCIL MEMBER BUTLER TO TAKE FROM THE TABLE THE RESOLUTION “APPROVING LEASE AGREEMENT BETWEEN THE CITY OF WATERTOWN AND THE GREATER WATERTOWN RED AND BLACK, INC.”(Introduced on July 18, 2011; appears in its entirety on page 197 & 198 of the 2011 Minutes Book.)

MOTION WAS SECONDED BY COUNCIL MEMBER MACALUSO AND CARRIED WITH ALL VOTING YEA.

Prior to the vote on the resolution, Council Member Smith questioned if there are outstanding bills.

Mrs. Corriveau replied that the organization is up to date with bills.

Council Member Burns noted that she will support this resolution but noted that a lot of decisions and future votes are still in a holding pattern due to the situation with the Parks and Recreation Department. She added that she has no issue with this, however, and that the organization has a good, solid background.

Council Member Butler mentioned Section 5, item C and inquired about the 60-day time period for the organization to pay ten percent of concession sales to the City.

Mrs. Corriveau replied that they are quick with submitting money from concessions and noted that they only hold four home games during the regular season.

Council Member Butler commented that he does not know why they cannot submit the money within 30 days, if not sooner, and that it does not make sense to delay it. He asked how the sales are monitored.

Mrs. Corriveau said they are monitored the same way for baseball, in that Mr. Mills or a member of his staff spot-checks sales during the game.

Council Member Butler stated that it is not the Comptroller's responsibility to monitor the sales in that way and that a cash register should be utilized to monitor inventory and sales.

Mayor Graham commented that the Council Members raised good points, especially the issue of timeliness. He added that it is reasonable to say that the money should be submitted within 10 days.

Council Member Butler inquired if the agreement can be changed.

Mrs. Corriveau replied that they can be put on notice if the City wishes to take control of concessions next year.

Mayor Graham asked if any figures were available for last year's concessions. He added that the City should look at whether or not it would be worth it to chase revenues. In addition, he agreed with Council Member Butler over the lingering suspicion on whether things were reported accurately in the past.

Council Member Butler added that monitoring concession sales is not a wise use of the Comptroller's time and money should be built into the organization's contract to control inventory and monitor sales.

Mrs. Corriveau reminded Council that they wanted staff to keep an eye on revenue.

Mayor Graham suggested looking at charging actual cost figures.

Council Member Butler stated he will support the resolution.

Council Member Burns added that she will support the resolution as well, and thanked Council Member Butler for bringing attention to certain points.

**AT THE CALL OF THE CHAIR, VOTE WAS TAKEN ON THE FOREGOING
RESOLUTION AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

**** ** ***

COUNCIL DISCUSSED THE FOLLOWING TOPICS:

Audio Arsenal:

Mayor Graham referred to the letter from the City's Health Officer, Dr. Jon Emerton, saying that the doctor indicated that people of certain age groups are susceptible to negative effects of excessive noise.

Mrs. Corriveau noted that there are still cases pending in City Court.

Use of Whitewater Park Deck by Maggie's on the River:

Mayor Graham commented that last year's findings proved that this was for occasional use.

Attorney Slye said the Department of State was operating under the findings that it is for incidental use.

Mrs. Corriveau stated that staff is asking for the same thing this year as well.

Mr. Schweitzer addressed Council saying that the liquor authority has to approve it. He added that they are looking at use through the end of September with the possibility for more permanent use.

Mrs. Corriveau commented that tables have been placed on a side deck.

Mayor Graham mentioned a discussion with the Department of State about the ability to transfer use for extended periods.

Mrs. Corriveau replied that a revocable concession certificate would be issued and that language for such is being reviewed.

Council Member Macaluso inquired if the deck is used at other times.

Mr. Schweitzer replied that patrons are not served on the deck at other times.

INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH

BE IT RESOLVED THAT CITY COUNCIL MADE A DETERMINATION TO ALLOW THE APPLICANT'S UTILIZATION OF THE DECK FROM 11:00 A.M. TO 10:00 P.M. ON THURSDAYS, BEGINNING AUGUST 4, 2011, THROUGH SEPTEMBER 29, 2011, AND

THAT IT IS AN APPROPRIATE AND FINITE USE OF THE PROPERTY IN THAT THE APPLICANT MAY APPLY FOR A PERMIT TO SERVE FOOD AND ALCOHOL.

MOTION WAS SECONDED BY COUNCIL MEMBER BURNS.

RULES WERE WAIVED BY MOTION OF COUNCIL MEMBER SMITH, SECONDED BY COUNCIL MEMBER BURNS AND CARRIED WITH ALL VOTING YEA.

AT THE CALL OF THE CHAIR, VOTE WAS TAKEN ON THE FOREGOING RESOLUTION WITH ALL VOTING IN FAVOR THEREOF.

Merline Avenue:

Mrs. Corriveau reviewed the memo with Council.

Council Member Macaluso inquired about the cost of the project.

Mrs. Corriveau replied she did not know.

Council Member Smith asked if this is a paper street.

Mrs. Corriveau noted it is a non-dedicated City street and the portion in question is in the 500 block of Merline Avenue.

Mayor Graham suggested that the City pay one third of the cost of installing a six-inch line and the property owners pay the remaining two-thirds. He asked about the length of the street.

Mr. Hauk replied that he does not have that number.

Mayor Graham inquired if there are cost estimates.

Mrs. Corriveau asked if the City was planning on paying for it.

Council Member Macaluso commented that she did not think the City could pay the entire cost but that it can help by paying a portion. She asked how many houses are on the street.

Mrs. Corriveau said it depends on the block.

Council Member Butler commented that spending money on this project would be a good way to diversify funds and would be money well-spent.

Mayor Graham noted that this has come up several times in the past and suggested a report on the issue.

Mrs. Corriveau asked if both water and sewer would be installed, noting that the properties which sparked this issue recently are vacant lots, versus existing homes on the street.

Mayor Graham stressed identifying the homes on the street which are not on a City sewer line.

Mrs. Corriveau told Council if a sewer line is installed, the owners on the street would be forced to opt in, based upon City Code.

Notice of Public Hearing, Thousand Islands Hospitality, LLC:

Mrs. Corriveau asked if there was any concern regarding JCIDA's support.

Council Member Smith inquired about the benefits, asking if they included exemption from sales and mortgage tax.

Mrs. Corriveau replied that those were included.

Council Member Burns commented that it is a very common procedure.

Mayor Graham noted this is regarding the Fairfield Inn by the post office and said he is not sure this is an issue worth fighting over. He added that he is glad to see that construction has restarted but that he has no comment for the public hearing.

Council Member Macaluso said they asked for Council's opinion in the past but it was ignored.

Council Member Butler replied that they have to ask for Council's opinion.

Mrs. Corriveau said they have not changed their policy.

Mayor Graham stated that it is clear they are talking about the construction of buildings.

Council Member Smith said he is concerned with how far the exemptions go; if they will include furnishings and bedding.

Mayor Graham asked Council if they wished to make a motion or resolution to take a stand on the issue either way or just go over and comment during the public hearing.

Council did not respond.

Winslow Street Parking:

Mayor Graham commented that Ms. Deloria is seeking relief from Council to park on her front yard during the winter and asked Council if there was any willingness for repeal or an appeal process. He added that she has been very conscientious about the matter and that she does not wish to take a chance and get a ticket.

Attorney Slye said an appeal to the ZBA was to construct a carport but due to the expense, the appeal was withdrawn. He noted that a use variance comes with a very high standard.

Council Member Macaluso inquired if the parking issue has been a problem for neighbors.

Ms. Deloria replied that neighbors have not said anything to her, but the Fire Marshall came to her home.

Council Member Butler asked if she had parked there before and if she had been ticketed.

Ms. Deloria said she had not been ticketed.

Council Member Butler commented that he does not see many of these types of issues being enforced and said that margin parking will continue to occur on streets which do not have curbs.

Mrs. Corriveau noted that front yard parking is not authorized by way of City Ordinance and should not be encouraged.

Mayor Graham said that issues are enforced on a per-complaint basis and that there is little Council can do on this particular topic.

Alcohol Licensing at City Facilities:

Mayor Graham reflected upon events that have gone quite well on City property but noted that the alcohol issue has received a lot of play.

Attorney Slye told Council that Anthony Casale had been contacted to view City facilities and observe how beverages are served. Mr. Casale would then meet with Council to make recommendations on how to regulate the sale of alcohol, he said. Attorney Slye mentioned some possible outcomes, including putting out an annual bid of all alcohol sales and a set of standards if that comes to fruition.

Council Member Smith questioned future policy if events gave alcohol away or what would happen regarding events such as the concert at Thompson Park, where the public can bring alcohol to the event.

Attorney Slye said the City would be more of a social host, in the case of the concert at the park, but he said this consultant is more concerned with the legalities at the Fairgrounds.

Council Member Smith noted that the City should look at issuing ourselves a permit.

Mayor Graham told Council he came up with a list of questions to share ahead of time. He said that Council Member Smith raises a good point regarding open container law.

Council Member Burns stated that it makes sense to submit questions in advance and said she appreciates the time being spent on this matter. She added that Attorney Slye has been very candid about his level of expertise on this topic and that going down this route goes along with other measures taken to put the Fairgrounds on the right path.

Mayor Graham said he wants everything to be legal and consistent and added that it is not a good idea to mix sale of alcohol with events where children will be present. He added that the consultant was a college roommate with Assemblyman Nortz and was referred to the City by Attorney Young.

Governor's Meeting:

Council Member Burns thanked the Mayor for taking the time to attend the upcoming meeting.

Mayor Graham said he will be going to Potsdam on Friday, August 5.

Empire Zone Board:

Council Member Butler said he spoke with Robert Lawlor who said he would be willing to be reappointed.

Mrs. Corriveau said a resolution would be prepared for the next meeting.

State Street Property:

Council Member Butler inquired about the paving schedule for a property on State Street.

Mr. Mix said the property owners want to do some additional activities including auto repair and will be looking to revise and extend their special use permit.

Massey/Holcomb Street Island:

Council Member Butler said he received notification from Cornell Cooperative Extension about helping to beautify the parcel of land at the intersection of Massey and Holcomb streets.

Mrs. Corriveau replied that it has already been completed by DPW and a number of volunteers.

Council Member Butler suggested inviting them to a work session to see how they can help in the future.

Council Member Burns asked if the people who helped with the project want to remain anonymous and noted that it looks very nice.

Parks and Recreation Positions:

Council Member Butler asked when the positions will be advertised.

Mrs. Corriveau replied that a number of things have to be completed before they can be advertised, including creating and amending job descriptions. She noted that the Parks and Recreation position will be non-competitive. In addition, she said changes need to be made to the budget to account for the new jobs. She said advertisements could start running by mid-August with someone in the job by October.

Farmer's Market:

Council Member Macaluso said she has received complaints about the Farmer's Market, particularly the parking situation and the hours of operation. She noted that a woman received a parking ticket after parking in, what turned out to be, a no-parking area. She noted that people feel there could be other areas to hold the weekly event.

Mayor Graham stressed the distinction of having gatherings, such as the Farmer's Market, on the main thoroughfare and that the crowds give it its ambiance as well as being a good opportunity for social interaction.

Council Member Burns noted that the Farmer's Market is sponsored by the Chamber of Commerce.

Mrs. Corriveau stated that if someone feels they were given a parking ticket inappropriately, there are avenues to pursue to appeal. She asked what the complaints were regarding the hours.

Council Member Macaluso replied that many feel the hours should be expanded because people have a hard time getting there before 3:00 p.m.

Mrs. Corriveau noted that there is a Farmer's Market on Saturdays at the Fairgrounds and mentioned a couple other smaller markets around the City throughout the week.

Arena Roof:

Council Member Smith asked for an update on this topic as well as the pool study from last February.

Mrs. Corriveau replied those will be on the work session agenda.

Downtown Parking Garage and Study:

Council Member Smith commented that he was taken by surprise regarding this issue and would like to know the particulars such as the cost and whose idea it was in the first place. He noted that parking lots in the downtown area are no more than 50% utilized at any given time.

Mrs. Corriveau replied that Advantage Watertown, which meets once a month, came up with the idea to have a study.

Council Member Smith wished to know how members are appointed and the length of the terms.

Mayor Graham stated that the group grew out of the LWRP process and that media coverage of the possible study made it take on a life of its own.

Mr. Mix told Council that members are self-appointed and that the parking issue was driven by adjoining property owners to various parking lots.

Council Member Smith said that the new way finding signs were supposed to help the public locate parking around the downtown area.

Mr. Mix said the group is looking at a study to show current and future parking demands.

Mrs. Corriveau noted that with the J. B. Wise parking lot under construction, now is not the best time to do a parking-related study.

Mayor Graham said he wondered if a request for a study should come from Council.

Council Member Smith voiced his concern about this study taking up valuable staff time and that he does not recall discussing this issue at a Council meeting.

Mrs. Corriveau reiterated that there is not a study currently underway.

Council Member Burns said she has read articles referencing 'City officials' which she said she infers are people who can make decisions on behalf of the City. She added that while she has no problem with brainstorming, when ideas are released to the public they can take on a life of their own as something attributed to an official when in fact they had no part in it.

Mrs. Corriveau assured Council that they did not miss any discussion about a study but that concerns have come up regarding parking issues for areas around the Franklin Building, the YMCA, the Ag building and for businesses on lower State and Factory streets.

Mayor Graham stated that a project such as a parking deck should get a nod from Council and that elected officials should ultimately decide.

USDA Grant

Mayor Graham asked about an alternate use for the pump station.

Mr. Mix replied that nothing specific has been identified.

Friendly's

Mayor Graham inquired about the status of their project.

Mr. Mix told Council that he has not heard anything recently about the Friendly's plan.

Mr. Mills said he spoke with the owner several months ago who said they changed architects.

Caves

Mayor Graham noted that the spelunkers went into the Newell Street cave, took measurements for a gate and sealed it back up.

Mr. Nelson said he has not heard anything new since then.

Pizza Shop

Mayor Graham said this was not a simple case of the City going in to shut them down.

Mr. Mix added that they did not have a certificate of compliance from the State.

Attorney Slye told Council that they were supposed to install a UL-approved oven and had not done it. He said that City Codes did a very good job enforcing the building codes.

Mayor Graham said the depiction of what happened in the media was not really the case.

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 8:40 P.M.
BY MOTION OF COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL
MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

Amanda C. Lewis
Deputy City Clerk

